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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

**NYLES LAWAYNE WATSON,**

Plaintiff,

v.

**D. K. SISTO, et al.,**

Defendants.

CIV-S-07-1871 LKK KJN

**NOTICE OF MOTION AND MOTION  
FOR SUMMARY JUDGMENT;  
DECLARATION OF CATHERINE  
GUESS**

**[Fed. R. Civ. P. 56(a)]**

Date: September 29, 2011  
Time: 10:00 a.m.  
Courtroom: 25  
Judge: Hon. Kendall J. Newman  
Trial Date: None  
Action Filed: September 10, 2007

TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 29, 2011, or as soon thereafter as the matter may be heard in Courtroom 25 of the above-entitled court, located at 501 I Street, Sacramento, CA, defendants will move the court for summary judgment pursuant to Federal Rules of Civil Procedure Rule 56. There are no triable issues of fact and Defendants are entitled to judgment, as a matter of law.

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1 The motion will be based on this Notice of Motion and Motion, the Memorandum of Points  
2 and Authorities filed herewith, the Separate Statement of Undisputed Facts, the Declarations of  
3 Catherine Guess, Dr. Jason Huffman, Dr. Jason Rohrer, Dr. Alvaro Traquina, Dennis Sisto, Gary  
4 Swarthout and Tonia Lewis, the Requests for Judicial Notice and the pleadings and papers filed  
5 herein.

6 Dated: August 15, 2011

Respectfully submitted,

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8 KAMALA D. HARRIS  
Attorney General of California  
9 STEVEN M. GEVERCER  
Supervising Deputy Attorney General

10 */s/ Catherine Woodbridge Guess*

11 CATHERINE WOODBRIDGE GUESS  
12 Deputy Attorney General  
13 *Attorneys for Defendants Dr. Rohrer, Dr.*  
14 *Tan, Dr. Traquina and Mr. Sisto*

**DECLARATION OF CATHERINE GUESS IN SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT**

I, Catherine Guess, declare:

1. I am attorney employed by the California Department of Justice, attorneys for Defendants herein.

2. Attached as Exhibit A to Defendants' Separate Statement of Undisputed Fact are the pertinent portions of the deposition transcript of Dr. Jason Rohrer, M.D. taken July 31, 2009.

3. Attached as Exhibit B to Defendants' Separate Statement of Undisputed Fact are the pertinent portions of the deposition transcript of Dr. Richard Tan, M.D. taken July 31, 2009.

4. Attached as Exhibit C to Defendants' Separate Statement of Undisputed Fact are the pertinent portions of the deposition transcript of Dr. Alvaro Traquina, M.D. taken August 7, 2009.

5. Attached as Exhibit D to Defendants' Separate Statement of Undisputed Fact is the Declaration of Dennis Sisto dated July 18, 2011, a Defendant in this action.

6. Attached as Exhibit E to Defendants' Separate Statement of Undisputed Fact is the Declaration of Gary Swarthout dated July 29, 2011, a Defendant in this action.

4. Attached as Exhibit F to Defendants' Separate Statement of Undisputed Fact is the Declaration of Tonia Lewis dated July 20, 2011, the Litigation Coordinator at CSP-Solano.

7. Attached as Exhibit G to Defendants' Separate Statement of Undisputed Fact are the pertinent portions of the deposition transcript of Dr. Jason Huffman, M.D. taken July 27, 2011.

8. Attached as Exhibit H to Defendants' Separate Statement of Undisputed Fact is the Declaration of Dr. Alvaro Traquina, M.D. executed on October 16, 2008, at the request of this Court. (Docket No. 43).

9. Attached as Exhibit I to Defendants' Separate Statement of Undisputed Fact is the Declaration of Dr. Jason Huffman, M.D. executed at my request on November 1, 2009. Dr. Huffman is a non-retained expert witness who was a treating physician for Plaintiff while Plaintiff was incarcerated at CSP-Solano.

10. Attached as Exhibit J to Defendants' Separate Statement of Undisputed Fact is the Declaration of Dr. Jason Rohrer, M.D. dated August 15, 2011, a Defendant in this action.

1 11. Attached as Exhibit K to Defendants' Separate Statement of Undisputed Fact are the  
2 pertinent portions of the deposition transcript of Dr. Sandra Shefrin, M.D. taken July 13, 2009.

3 12. Attached as Exhibit L to Defendants' Separate Statement of Undisputed Fact is the  
4 Declaration of Dr. Alvaro Traquina, M.D. dated July 27, 2011, a Defendant in this action.

5 I declare under penalty of perjury that the foregoing is true and correct. Executed this 15<sup>th</sup>  
6 day of August, 2011, at Sacramento, California.

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8 /s/ Catherine Guess  
9 Catherine Guess

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